

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

**FILED**

**JAN 02 2014**

Clerk, U.S. District Court  
District Of Montana  
Missoula

DONNIE MACK SELLERS,

CV 13-0044-H-DWM-RKS

Plaintiff,

vs.

ORDER

LEROY KIRKEGARD, MIKE  
BATISTA, STATE OF MONTANA,  
and JOHN AND JANE DOES,

Defendants.

Pending is Plaintiff Donnie Mack Sellers's Motion for Reconsideration of the Court's September 25, 2013 Order denying his motion for a temporary restraining order. Local Rule 7.3(a) requires parties to obtain leave of court prior to filing any motion for reconsideration. Accordingly, the motion will be treated as a motion for leave to file a motion for reconsideration and as such it is denied.

Local Rule 7.3(b) requires that motions for leave to file a motion for reconsideration must meet at least one of the following two criteria:


- (1) (A) the facts or applicable law are materially different from the facts or applicable law that the parties presented to the Court before entry of the order for which reconsideration is sought, and  
(B) despite the exercise of reasonable diligence, the party applying for reconsideration did not know such fact or law before entry of the order; or
- (2) new material facts emerged or a change of law occurred after

entry of the order.

Mr. Sellers has made no such showing. His current motion raises similar allegations to those alleged in his Complaint (Doc. 2) and in his original motion for temporary restraining order (Doc. 6). While he states that he served a notice of the filing of his motion for temporary restraining order on Defendants, there is no indication the Complaint has been served upon the Defendants. As indicated in the Court's prior Order, the Court has not obtained personal jurisdiction over any of the defendants as they have not been served with process in this action. (Doc. 7 at 3.)

Accordingly, IT IS ORDERED that Mr. Sellers's Amended Motion for Injunctive Relief and Temporary Restraining Order (Doc. 8) is denied.

Dated this 2<sup>nd</sup> day of January, 2014.



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Donald W. Molloy, District Judge  
United States District Court

